

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In Re:) Bankruptcy Case No, 24-11988
Spirit Airlines, Inc., et al.,) Chapter 1
Debtors.)
_____))

LIMITED OBJECTION TO JOINT CHAPTER 11 PLAN OF REORGANIZATION

Interested Party Zim Aircraft Cabin Solutions, LLC (“Zim”) submits this Limited Objection to the Debtors’ Joint Chapter 11 Plan of Reorganization. [Doc. 238].

BACKGROUND

1. The factual details of the dispute between Zim and Debtor Spirit Airlines, Inc. (“Spirit”) are described in detail in Adversary Proceeding 24-04044 (the “AP”).
2. As set forth in the AP, Zim contends that Spirit, pre-petition, repudiated the Purchase Agreement (the “Contract”) entered into by Zim’s predecessor in interest and Spirit.
3. In summary, Zim contends that Spirit is required to negotiate a delivery schedule in good faith and that Spirit’s attempt to delay all orders and deliveries for years is not good faith or consistent with normal dealings in the industry or between the parties.
4. Zim has not filed a proof of claim in the case because Zim believes that it has suffered no damage from Spirit’s repudiation of the Contract.

PLAN TREATMENT

5. Spirit contends that the Contract has not been repudiated. Upon information and belief, Spirit intends to assume the Contract pursuant to Article VII of the Plan.

6. For the reasons discussed in the AP, Zim contends that the Contract cannot be assumed.

7. The AP should be treated as an Assumption Dispute pursuant to Article VII.B of the Plan.

LIMITED OBJECTION

8. Zim believes that confirmation is not intended to impact its right to contest assumption of the Contract or Zim's right to argue that the Contract was repudiated pre-petition.

9. Zim, however, files this limited objection to protect its rights asserted in the AP.

WHEREFORE, Zim, respectfully requests that the Plan be denied to the limited extent that the Plan impairs Zim's rights, in any manner, to argue that the Contract has been repudiated and cannot be assumed.

Respectfully submitted, this the 14th day of January, 2025.

/s/ Daniel Adams

Daniel Adams

N.Y. State Bar No. 4785978

dadams@brookspierce.com

Clint S. Morse

N.C. State Bar No. 38384

cmorse@brookspierce.com

(*pro hac vice forthcoming*)

Katarina K. Wong

N.C. State Bar No. 55040

kwong@BrooksPierce.com

(*pro hac vice forthcoming*)

BROOKS, PIERCE, MCLENDON,

HUMPHREY & LEONARD LLP

230 North Elm Street, Suite 2000

Greensboro, NC 27401

Telephone: 336-271-3109

Facsimile: 336-232-9109

*Counsel for Zim Aircraft Cabin Solutions,
LLC*

CERTIFICATE OF SERVICE

The foregoing was served on all parties who have appeared in the case through the Court's CM/ECF system.

This 14th day of January, 2025.

/s/ Daniel Adams
Daniel Adams

*Counsel for Zim Aircraft Cabin
Solutions, LLC*